

REMARKS

The following remarks are fully and completely responsive to the Office Action dated April 12, 2005. Claims 1-7 are pending in this application with claims 1-7 amended by the present Amendment. In the outstanding Office Action, the disclosure was objected to and claims 1, 4 and 5 were rejected under 35 U.S.C. § 103(a). Claims 2, 3, 6 and 7 were indicated as containing allowable subject matter, but were objected to as being dependent upon a rejected base claim. No new matter has been added. Claims 1-7 are presented for consideration.

Objection to the Specification

The disclosure was objected to due to the informalities noted in the outstanding Office Action. Applicants have amended the Specification to correct these informalities. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the disclosure.

35 U.S.C. § 103(a)

Claims 1, 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato (U.S. Patent No. 5,459,797) in view of Holter et al. (U.S. Patent No. 4,731,859, "Holter"). In making this rejection, the Office Action asserts that the combination of these two references teaches and/or suggests the claimed invention. The Office Action also asserts that one of ordinary skill in the art would combine these two references. Applicants disagree and request reconsideration of this rejection.

Claim 1, as amended, recites in part:

...color constituent extracting means for... setting a color separation parameter in color space for a specific color constituent of said image data cut out; and

color constituent separating means for producing said discriminating information based on said color separation parameter set by said color constituent extracting means,

wherein said discriminating information for said document to be discriminated is produced based on said color separation parameter and compared with said discriminating information.

Claim 4, as amended, recites in part:

...analyzing color constituents of said image data so cut out, selecting a specific color constituent and setting a color separation parameter in color space for the selected color constituent; and

producing a discriminating information for said specified portion from said cut out image data based on said color separation parameter; whereby

a document to be discriminated is discriminated by said discriminating information.

Regarding claim 1, the Office Action admits that Sato fails to teach and/or suggest the recited color constituent extracting means for... setting a color separation parameter in color space for a specific color constituent of said image data cut out. The Office Action also admits that Sato fails to teach and/or suggest the color constituent separating means for producing said discriminating information based on said color separation parameter set by said color constituent extracting means. Regarding claim 4, the Office Action admits that Sato fails to teach setting a color separation parameter in color space for the selected color constituent. The Office Action cites Holter as correcting these deficiencies in Sato.

The Office Action asserted that the decision boundary between color constituent distributions of Holter was the recited color separation parameter. However, this decision boundary is not a color separation parameter in color space for a specific color constituent of said image data cut out. Similarly, the decision boundary is not a color parameter in color space for the selected color constituent.

Holter also appears to teach classifying pixels according to the decision boundary in order to identify and process areas of a specific color in the image. However, Holter fails to disclose producing discriminating information based on the color separation parameter set by the color constituent extracting means, wherein the discriminating information for a document to be discriminated is produced based on the color separation parameter and compared with the discriminating information. Similarly, Holter fails to disclose producing a discriminating information for the specified portion from the cut out image data based on the color separation parameter, whereby a document to be discriminated is discriminated by the discriminating information.

Consequently, the combination of Sato and Holter fails to teach and/or suggest the claimed invention. Regarding claim 1, the combination of these two references fails to teach and/or suggest the function of setting a color separation parameter in color space for a specific color constituent of said image data cut out. Consequently, the combination of these two references fails to teach and/or suggest the recited color constituent extracting means for... setting a color separation parameter in color space for a specific color constituent of said image data cut out. The combination of these two references also fails to teach the function of producing said discriminating information based on said color separation parameter set by said color constituent extracting

means. Therefore, the combination of these two references fails to teach and/or suggest the color constituent separating means for producing said discriminating information based on said color separation parameter set by said color constituent extracting means, wherein a discriminating information for a document to be discriminated is produced based on said color separation parameter and compared with said discriminating information.

Regarding claim 4, the combination of these two references fails to teach and/or suggest setting a color separation parameter in color space for the selected color constituent. The combination of these two references also fails to teach and/or suggest producing a discriminating information for said specified portion from said cut out image data based on said color separation parameter, whereby a document to be discriminated is discriminated by said discriminating information. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 4 and 5 under 35 U.S.C. § 103(a).

Allowable Subject Matter

The Office Action indicated that claims 2, 3, 6 and 7 contained allowable subject matter, but objected to these claims as being dependent upon a rejected base claim. Applicants respectfully request reconsideration of this objection in light of Applicants' remarks above regarding claims 1 and 4.

Conclusion

Applicants' remarks have overcome the rejections and objections set forth in the Office Action dated April 12, 2005. Specifically, Applicants' amendments to the Specification have overcome the objections to the Specification. Applicants' remarks have distinguished claims 1, 4 and 5 from the cited prior art and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Applicants' remarks regarding claims 1 and 4 have also overcome the objections to claims 2, 3, 6 and 7, which the Office Action indicated as containing allowable subject matter, but were objected to as being dependent upon a rejected base claim. Accordingly, claims 1-7 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 1-7.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 100021-00073.

Respectfully submitted,
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Enclosure: Petition for Extension of Time

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